

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#108

GP1644

In re Application of:

WALLACH et al

Appln. No. 08/485,129

Filed: June 7, 1995

For: ISOLATED DNA ENCODING)
TUMOR NECROSIS FACTOR)
BINDING PROTEIN II, ...)



BOX AF

Art Unit: 1644

Examiner: R. Schwadron

Washington, D.C.

August 25, 1999

Atty's Docket: WALLACH=5B

RECEIVED

AUG 27 1999

TECH CENTER 1600/2900

#25
MQJ
8/30/99

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated February 26, 1999, of the Primary Examiner. The claims appealed are claims 11-13, 35-38, 43, 44 and 46-49.

08/30/1999 HHORTON 00000006 024035 08485129
The item(s) checked below are appropriate:

- Q1 FC:119 Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

XXX The fee has been calculated as shown below:

- \$300.00
- \$150.00 (small entity)
- XXX Not required (fee paid in prior appeal)

Adjustment date: 05/01/2000 PWT/SON
08/30/1999 HHORTON 00000006 024035 08485129
01 FC:119 1.386(a)R The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity	Other than Small Entity
Response Filed Within	Response Filed Within
[] First - \$ 55.00	[] First - \$ 110.00
[] Second - \$190.00	[] Second - \$ 380.00
[] Third - \$435.00	[XX] Third - \$ 870.00
[] Fourth - \$680.00	[] Fourth - \$1360.00
month after time period set.	month after time period set.
[] Less fees (\$) already paid for months extension of	

time on _____.

XXX A check in the amount of \$870.00 is attached. (Check No. 23299)

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

08/26/1999 AIBRAHIM 00000046 08485129

01 FC:117 870.00 OP

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By
ROGER L. BROWDY
Reg. No. 25,618

Telephone: (202) 628-5197
Facsimile: (202) 737-3528